

**NORTHAMPTON PLANNING BOARD
BYLAWS AND RULES OF PROCEDURES
As amended June 26, 2008**

SECTION 1.0--PURPOSE & INTENT:

These Bylaws and Rules of Procedure shall govern the operation of meetings and business before the Northampton Planning Board in carrying out its duties and responsibilities as assigned to it by the ordinances of the City of Northampton (especially Zoning Ordinance), the Northampton Subdivision Regulations, and the General Laws of the Commonwealth of Massachusetts (especially MGL Chapter 40A (zoning), Chapter 40R (smart growth overlays), Chapter 41 (planning and subdivisions), and Chapter 43D (expedited permitting). Where there appears any conflict between these Rules and any state law, city ordinance, or subdivision regulations, the law, ordinance, and regulations shall govern.

For any item of parliamentary procedure not governed by these rules or by appropriate laws, the Chair's ruling, subject to override by a majority of the Planning Board, _ will govern.

SECTION 2.0--ORGANIZATION

Section 2.1 – Election of Officers and Appointment to Committees:

1. The first regular meeting held during each calendar year will be the organizational meeting, during which standing committees are appointed, representatives to particular organizations elected, and the Planning Board's Goals and Objectives are established for the coming year.
2. Two officers, Chair and Vice Chair, shall be elected by a majority of the quorum at the first meeting in March of each calendar year. Associate members are permitted to participate in this act.
3. A Planning Board member may serve as Chair or Vice Chair for 3 consecutive years, after which he/she shall not be eligible to be nominated for the same position until one year has passed. However, a two-thirds (2/3) vote of the Board can waive this provision.
4. Whenever a new Board member is elected by the Board authorizing him/her to sign certain documents in the name of the Board, copies of the authorization, signed by a majority of the full board, shall be forwarded to the Registrar of Deeds and Land Court.
5. Vacancies on committees will be filled in the same manner as prescribed above for original appointment at the next meeting of the Board held following the receipt of the official notice of vacancy.

Section 2.2 – Chair: Powers and Duties:

The Chair shall preside at meetings, establish agenda, call special meetings, represent the Board in certain matters, and have the power to appoint board members to standing and special committees. The Chair may vote on all matters coming before the Board and may participate in debate.

Prior to the commencement of a Special Permit and/or Site Plan Public Hearing only (does not include Subdivision hearings or actions on Comprehensive Plans), the Chair shall designate Associate Planning Board member(s), on a rotating basis, to sit in the event that any board member is absent, unable to act, or has a conflict of interest. When acting on any permit, there shall not be more than seven Board members voting on any Site Plan or Special Permit application.

Section 2.3 - Vice Chair: Powers and Duties:

The Vice Chair shall carry out the functions of the Chair in his/her absence.

Section 2.4 – Associate Members: Powers and Duties:

Associate Members shall be designated to sit on the Board by the Chair, as outlined under Section 2.2 above. Associate members may participate in any discussion of the Rules and Regulations, procedural matters, and all other matters before the Board. Associate members are not allowed to vote on any permit requiring Subdivision Approval, or on approvals of components of Master/Comprehensive Plans, or to hold office.

Section 3.0--MEETING & HEARINGS

Section 3.1 – Notice of Board Meetings:

Notice of all regular meetings will be delivered, emailed, or mailed (postmarked) to members of the board and posted with the City Clerk, no later than the Monday prior to the meeting, and notices of all regular and special meetings shall be posted in City Hall at least 48 hours prior to the time of the meeting. When time is a constraint, telephone calls or email may be used to supplement such notices.

Section 3.2 – Notice of Public Hearings:

Notice of hearings shall be advertised as required by the provisions of the General Laws, Chapter 40A and Chapter 41 §81A.

Section 3.3 – Regular Meetings:

Regular meetings of the Board will be held on the second and fourth Thursdays of each month beginning at 7:00 p.m. in the City Council Chambers, Wallace J. Puchalski Municipal Building, 212 Main Street, Northampton, or such other time and/or place as is determined appropriate by the Chair.

Section 3.4 – Special and Emergency Meetings:

Special meetings may be called by the Chair at a time and location generally convenient to the Public. There shall be at least 48 hours notice given for a special meeting except for emergencies, as defined by state statute.

Section 3.5 – Subcommittee/Miscellaneous/Workshop Meetings:

The Planning Board may also hold other types of public meetings, subcommittee meetings, information sessions, workshops in which the public is invited to participate.

Section 3.6 – Public Participation During Meetings:

1. During a regular meeting, members of the general public will only be allowed to address the Chair or Board upon the invitation of the Chair or invitation of a Board member and consent of the quorum.
2. If the Chair determines that a meeting or Public Hearing is becoming too disorderly to properly conduct business, he/she may request a motion for a recess. In addition, the Chair may ask for a vote to eject unruly members of the audience pursuant to the General Laws. A majority of the quorum will carry the motion.

Section 3.7 – Calling of Public Hearings:

Public hearings will be conducted for Special Permit and/or Site Plan Approval applications, Definitive Subdivisions, Comprehensive plans or plan elements, amendments to the Zoning Ordinance or Map, and any other action for which the Planning Board determines a public hearing will be useful.

Section 3.8 – Conduct of Public Hearings:

1. Public Hearings, which may take place during regularly scheduled meetings, will be advertised in accordance with the applicable provisions of the State Statutes which governs it.
2. Public Hearings, when called, will be conducted in the following manner:
 - A. The Chair will announce that it is time for a Public Hearing and will announce the subject of such hearing.
 - B. The Chair will review evidence of adequate advertisement and legal notice. The Chair will then explain the procedure to be followed, including the time limits on speakers and the fact that each speaker shall give his name and address for the record. The Chair will then announce that the Public Hearing will begin.
 - C. The Chair will report on or ask staff to report on the issues that have to be addressed and resolved by the board and the relevant sections of law and regulations, any new or changed information pertinent to the subject, and all memoranda, opinions, comments and recommendations of City departments or boards pertinent to the matter.
 - D. The applicant and their representatives or project staff person will then make a presentation regarding the matter and the board may ask questions.
 - E. The public will be invited to testify and make relevant comments or ask relevant questions.
 - F. After the public has been heard, the Chair will then allow the applicant and/or project staff person to respond to any issues/questions. The Chair

will then have all letters received concerning the matter entered into the record.

- G. The Chair will then call for a general Planning Board discussion or question and answer period. Only the Chair may recognize speakers and shall refer questions to the appropriate persons.
- H. At any point, a public hearing may be continued or postponed to a time, place and date certain, provided that these rules and procedures are adhered to when it is resumed, or may be continued or postponed to a time, place and date not certain, providing required advertising and notice procedures are followed to announce the time, place and date of resumption.

Section 3.9 – Quorum at Regular Board Meetings:

A majority of the authorized membership of the Board will constitute a quorum and must be present to conduct a meeting.

Section 3.10 – Votes of the Board:

Unless otherwise stated within these Rules and Regulations or as stated within applicable statutes and regulations of the Commonwealth of Massachusetts, the majority of the quorum is required for a passing vote, except for Special Permits, where a super majority is required for a passing vote.

Section 3.11 – Attendance of Meetings – Board Members and Associate Members:

Any Member or Associate member who misses more than three consecutive meetings, or who is unable to attend more than 75% of the meetings, should consider resigning from the Board.

SECTION 4.0--APPLICATIONS BEFORE THE BOARD

Section 4.1 – Permit Applications:

Applications for Permits before the Planning Board shall be prepared in accordance with the procedures in the Northampton Zoning Ordinance and Subdivision Regulations and the instructions on and attached to the application form. Every application for action by the Board shall be made on the official application form published by the Office of Planning and Development (in paper or online forms).

SECTION 5.0--REVIEW FEES

Section 5.1 – Determination to Require Review Fees:

- 1. If, after receiving an application the Board determines that in order to properly review and process that application it requires technical advice unavailable from municipal employees or departments, it may employ outside consultants. Whenever possible the Board shall work cooperatively with the applicant to identify appropriate consultants and to negotiate payment of part or all of

consultant fees by the applicant. Alternatively, the Board, by majority vote, require that the applicant pay a reasonable review fee (in accordance with Chapter 593 of the Acts of 1989) for the employment of outside consultants chosen by the Board alone.

2. A review fee may be imposed only if:
 - A. The work of the consultant consists of review of studies prepared on behalf of the applicant, and not of independent studies on behalf of the Board.
 - B. The Board finds that an adequate review cannot be performed by city employees/contractors.
 - C. The work is in connection with the applicant's specific project, and
 - D. All written results and reports are made part of the record before the Board.
3. Before a fee is imposed:
 - A. The applicant shall be given five business days notice and opportunity to submit written comments relative to the invitation for bids or requests for proposals.
 - B. The applicant shall be given five business days notice and opportunity to comment on all bids or proposals prior to the selection of the consultant and the award of a contract.
 - C. The applicant shall be given five business days notice and the opportunity to file an appeal of the selection of the outside consultant with the City Council. Grounds for said appeal are limited to written claims, with documentation, that the consultant selected has a conflict of interest or does not possess the minimum required qualification in accordance with M.G.L. c. 44, § 53G. If the City Council does not act within thirty days the Board's decisions shall stand.
4. Any invitation for bids or request for proposals shall indicate that award of the contract is contingent upon payment of a review fee. If the applicant fails to pay the review fee within ten days of receiving written notification of the execution of a contract with a consultant, the Board may deny the permit.
5. Each review fee shall be deposited in a special account established by the municipal treasurer pursuant to M.G.L. c. 44 § 53G.
 - A. Funds from the special account may be expended only for the purposes described in Section 5.1 above, and in compliance with the Uniform Procurement Act, M.G.L. c. 30B, § 1-19.
 - B. Within sixty days of completion of the project or of such time as the applicant formally withdraws the proposal, the applicant shall receive a final report of funds in the special account and shall be paid any unspent excess in the account, including accrued interest (if any).

SECTION 6.0--PLANNING BOARD RECORDS

Section 6.1 – Record Keeping – Office of Planning & Development

The Office of Planning & Development, acting as staff/agent for the Planning Board, shall be responsible for preparing, keeping and maintaining the following official records and documents of the Board to be physically or electronically located within its office:

- A. Minutes of the meetings
- B. Agendas
- C. Staff reports and recommendations
- D. Copies of all comprehensive plans, permits, plans, and applications r

SECTION 7.0-ADOPTION & AMENDMENT

Section 7.1 – Procedure for Adopting & Amending:

1. These By-laws and Rules of Procedures may be adopted and subsequently amended at any regular meeting by a majority vote of the Board, provided that any original proposal or amendment shall have been proposed at a regular meeting immediately preceding that during which a vote is taken, and further provided that all members are mailed, emailed, or otherwise provided copies of the proposal.